

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LEATHA DEENER-BURKS, Administrator of the Estate	:	CIVIL ACTION
of ERIC BURKS; LEATHA DEENER-BURKS, in her	:	
own right, and on behalf of the Wrongful Death	:	
Beneficiaries	:	
	:	
Plaintiff	:	NO.
v.	:	
	:	
SUKHWINDER SINGH and SUKHCHAN SINGH,	:	
individually and d/b/a PVR TRANSPORT	:	
	:	
Defendants	:	JURY TRIAL DEMANDED

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**NOTICE OF REMOVAL**

Defendants Sukhwinder Singh and Sukhchan Singh, individually and d/b/a PVR Transport, by their undersigned counsel, hereby petitions this Court as follows, pursuant to 28 U.S.C. § 1332 et seq.:

1. Sukhwinder Singh and Sukhchan Singh, individually and d/b/a PVR Transport are defendant in an action pending in the Pennsylvania Court of Common Pleas for Lebanon County, No. 2010-00887 ("the State Court Action"). Sukhwinder Singh and Sukhchan Singh, individually and d/b/a PVR Transport received a copy of the Complaint. A true and correct copy of the Complaint in the State Court Action is attached hereto as Exhibit "A".

2. Plaintiff in the State Court Action is Leatha Deener-Burks, Administrator of the Estate of Eric Burks and Leatha Deener-Burks, in her own right and on behalf of the Wrongful Death Beneficiaries. Plaintiff is alleged to be a citizen and resident of Memphis, Tennessee 38122. See Exhibit "A".

3. Defendant Sukhwinder Singh is alleged to be a citizen and resident of Westland, Michigan 38185.

4. Sukhchan Singh, individually and d/b/a PVR Transport is alleged to be a citizen and resident of California.

5. The State Court Action is between citizens of different states.

6. Pursuant to 28 U.S.C. § 1332(a)(1), “[t]he district court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between (1) citizens of different states.”

7. Sometime after April 27, 2010, plaintiff served the complaint upon defendants.

8. Plaintiff’s State Court Action alleges that the amount in controversy is in excess of \$50,000. See Exhibit “A”. Due to the allegations by plaintiff in Plaintiff’s Complaint, it is believed and therefore averred that plaintiff is seeking to recover in excess of \$75,000 in this matter. See Exhibit “A”.

9. Thus, under 28 U.S.C. § 1446(b), the initial pleading was only served after April 27, 2010 and under 28 U.S.C. § 1446(b), Sukhwinder Singh and Sukhchan Singh, individually and d/b/a PVR Transport may remove this action up to thirty days after service.

10. Therefore, this Court may properly remove the State Court Action based on diversity jurisdiction.

11. 28 U.S.C. § 1441 provides for removal of state court actions where none of the defendants are citizens of the state in which the action is brought. Accordingly, because Sukhwinder Singh and Sukhchan Singh, individually and d/b/a PVR Transport are not residents of the Commonwealth of Pennsylvania, the State Court Action may be removed to this Court.

12. This Notice has been filed with the Court within thirty (30) days after purported service of the Complaint on Sukhwinder Singh and Sukhchan Singh, individually and d/b/a PVR Transport.

WHEREFORE, Sukhwinder Singh and Sukhchan Singh, individually and d/b/a PVR Transport prays that the State Court Action be removed from the Pennsylvania Court of Common Pleas for Lebanon County to this Court for proper and just determination.

Respectfully submitted,

**FINEMAN KREKSTEIN & HARRIS, P.C.**

BY: /s/ Jay Barry Harris

**JAY BARRY HARRIS**

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May 24, 2010

Attorney for Defendants

### **CERTIFICATE OF SERVICE**

I, **JAY BARRY HARRIS, ESQUIRE**, hereby certify that a true and correct copy of the foregoing Notice of Removal was served this day, by first-class mail, upon the following individual:

William P. Murray, III, Esquire  
Wilkes & McHugh  
400 Market Street, Suite 1250  
Philadelphia, PA 19106

May 24, 2010

/s/ Jay Barry Harris  
**JAY BARRY HARRIS**